



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

PROFESSIONAL FIRE FIGHTERS OF HUDSON,  
INTERNATIONAL ASSOCIATION OF FIRE  
FIGHTERS (I.A.F.F.)

Petitioner

and

TOWN OF HUDSON

Respondent

CASE NO. F-0132

DECISION NO. 88-68

#### APPEARANCES

##### Representing Hudson Professional Firefighters:

Robert T. Clark, Esq., Counsel  
Todd M. Hansen, President, Hudson Professional Fire Fighters

##### Representing Town of Hudson:

Gary W. Wulf, Chief Negotiator  
Brian L. Mason, Acting Fire Chief

##### Also appearing:

Paul E. Reichenbach, Town of Hudson  
Mark Ouellette, Firefighter  
Roger Spooner, Captain  
Randy Sap, Firefighter  
Robert Bianchi, Firefighter  
David S. Morin, Firefighter  
Steve Dube, Firefighter

#### BACKGROUND

On June 3, 1988 PELRB was petitioned by the Professional Firefighters of Hudson, I.A.F.F. for the certification of the bargaining unit consisting of twenty-three (23) members total, as follows;

- (a) - One (1) Superintendent
- (b) - Three (3) Captains
- (c) - Three (3) Lieutenants
- (d) - Thirteen (13) Privates
- (e) - One (1) Clerk Dispatcher
- (f) - One (1) Dispatcher
- (g) - One (1) Secretary

EXCLUDED from the unit, were the Chief and the Deputy Chief of the Department. The petition was supported by the required number of individual signature cards and met all the requirements under RSA 273-A:10.

The Town of Hudson (Town) took exception to the inclusion of the following positions; Superintendent on the basis that this was an administrative position responsible for fire inspection and protection; Captains based on the supervisory responsibilities and involvement in decision making and discipline of their employees; Clerk Dispatcher on the basis of confidentiality to the Fire Chief and responsibility for the process of disciplinary actions in connection with the collective bargaining function.

Hearing on this matter was held at the office of the PELRB on August 23, 1988.

At the opening of the hearing, the representative of the firefighter's association indicated that they would not contest the exclusion of the Superintendent, but did feel the position of clerk, should be in the unit. By mutual agreement Superintendent was excluded as supervisory and Clerk/Dispatcher excluded as confidential. The only issue before the Board was the inclusion or exclusion of the Captain position.

Captain Spooner of the Hudson Fire Department, a veteran of four years, who had served as Lieutenant and now Captain, testified as to his duties and responsibilities: for training and supervision of the men, and that when a fire occurred a Captain is first to respond and is in charge until a superior officer arrives. On cross-examination by Wulf for the Town, Captain Spooner testified that in approximately eighty (80) percent of the incidences occurring at the fire department, the Captain is in charge. Further, that the Captain plays a role in the promotion committee and is responsible for evaluation of their performance.

Wulf for the Town introduced a memorandum setting forth the criteria of a probationary employee which purported to show the supervisory responsibility of the Captains.

Chief of the Fire Department Brian L. Mason, testified that he had been with the department for eight years and that the captains had responsibility for supervisory promotion and to certain extent the hiring of firefighters. He indicated that the captains could discipline the firemen at the fire and that they were in charge of specific shifts and had authority to suspend firefighters under certain circumstances. Further testimony indicated that some of the responsibilities of the captains had been increased because of certain unfilled positions in the Town of Hudson Fire Departments.

#### DECISION AND ORDER

After considering all of the testimony and documents submitted at this hearing PELRB approves a bargaining unit consisting of the following positions;

Three (3) - Lieutenants  
Thirteen (13) - Privates  
One (1) - Dispatcher  
One (1) - Secretary

EXCLUDED from the bargaining unit are;

Chief  
Deputy Chief  
Three (3) - Captains  
One (1) - Clerk - Confidential assistant to  
the Chief.  
Superintendent

An election will be held as expeditiously as possible under RSA 273-A:10 and PELRB Rules and Regulations, Pub. 301.02.

Amended this 26th day of September, 1988.  
Original signed 14th day of September, 1988.

  
EDWARD J. HASELTINE  
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and James C. Anderson present and voting. Also present, Executive Director, Evelyn C. LeBrun.